

- The Planning Board required the applicant to have all of their information submitted by one week prior to the June 1st meeting, that being May 25 or it would not be considered, and yet the majority of the information was submitted on June 1st or later, all the way up to and including today. None of that information should be considered by the Planning Board in their decision per their statement at the last meeting. The application for the proposed cell tower was submitted November 30, 2009. Seven months later, just one week before the final public meeting concerning this application, the applicant finally provided definitive information about the location of their supposed gap. This is not enough time for the residents to be able to respond, and I request more time to properly consider the late submissions.
- The original map illustrating Clearwire's "gap" was submitted at the first public meeting on February 2nd. It shows a very different gap area, one, much more focused toward the Concord border and includes reliable coverage of areas all the way to Ayer Rd and Arborwood Rd. In the latest June 1st submission of Clearwire's supposed gap, these areas are magically no longer covered to illustrate their gap as farther west and not serviceable by the alternate locations suggested by the residents. If the residents had had a clear picture of the "revised" gap area, we certainly could have come up with a list of proposed alternate locations farther to the west. Either way, the gap cannot be a moving target to fill and the applicant has played fast and loose with the truth, to quote their lawyer, in order to achieve their objective. The public should be provided with additional time to compile a list of alternatives closer to this new "gap" area or the Planning Board should see the situation for what it is and deny the application for a cell tower at 5-7 Craig Rd. According to Acton's zoning bylaws, it is the applicant who has the burden of demonstrating, by clear and convincing evidence, the existence of such a significant gap and they have not done so.
- Now, the public has asked repeatedly for the town and its experts to define significant gap without success. I do know that Clearwire has stated on numerous occasions that they are looking for in building coverage. So I took the liberty to count the covered buildings in the red ring provided on June 1st by the applicant at the height they are requesting. There are 330 buildings in the red ring which Clearwire says will be serviced by this new cell tower, which accounts for only 4% of the homes in Acton. Is 4% of the population a significant gap? Of course not, any reasonable person would understand that 4% is almost statistically insignificant. Also, the Planning Board should understand two things clearly. Clearwire does not have a network in Acton. And the signal strength applied to these locations is BEST and that is not what the Telecommunications Act of 1996 asks the Planning Board to provide to wireless providers. If you set a precedent that the Acton Planning Board will accept 4% of the homes as a significant gap for a carrier

This 4th sector may be easy to address because they have no service

If you added the Hoxmer tower would it only be 2%

that has no network in town at BEST signal strength, you will be opening a Pandora's Box for every other carrier to choose any spot in town on which to locate their next tower. The citizen's of Acton begged you to protect them from just this situation, a moratorium was declared at town meeting so that the Planning Board could develop ways to protect Acton citizens, and yet today we are standing here in the same predicament we mandated you to prevent. The Planning Board has a promise to keep here today.

- If the tower were to collapse, it could strike the building at 3 Craig Rd. It is considered the norm for a cell tower within such close proximity to other tax payer's property to be collapsible. The town might even share liability should such a collapse occur, for not protecting the property of all of its citizenry.
- The applicant did not address my suggestion, concerning, "the land along the same ridge that was closer to Route 2 as being preferable because not only is there a tree line to blend a tower into (thus lowering the visual impact of the tower and hopefully preserving some of the value in nearby homes), but it is further away from residences and closer to Clearwire's supposed in-building coverage gap location at the intersection of School St. and Route 2" I assume they did not do so because they knew that site would turn out to be viable and their lawyer had already guaranteed that the Craig Rd. location would be found to be the only viable location.
- Why didn't David Maxson produce maps with the other alternatives, including those initially provided by the applicant and those provided by residents, that showed how they would be enhanced with the Great Hill 4th sector and a complementary facility at a warehouse by the train tracks along River Street? Any clear and fair analysis of the information would not just consider the applicant's desires, but would look at the facts and analyze all options to find the truth. Maybe it is because with the addition of these two enhancements, a great many of the other sites would be shown to be as good or better at addressing the supposed gap than what is proposed at Craig Rd.
- I want to remind the Planning Board that the site acquisition consultant Peter La Montagne produced an initial list of sites that were found to be unsuitable for various reasons. 16 Craig Rd. was too close to residential buildings, but so, it turns out, was the proposed Craig Rd. site, the Circle Furniture site was rejected for the same reason. The Faith Evangelical Free Church was also rejected for being too close to residents by Peter La Montagne, but as I stand here, T-Mobile is actively occupying their steeple. And finally the Adessa Concord site was too far west of the ring center and did not meet the coverage objectives, and yet it is directly across from the dump, which has been shown to be suitable and it is in the dead center of the new red ring of the coverage gap. The applicant did not provide clear and convincing evidence that no alternate locations, technologies and or configurations are available that meet the otherwise applicable requirements, despite the town's tireless efforts to support such an endeavor.

- The Planning Board shall require suitable fencing and landscape screening or other means to shield the installation from the view of nearby residences or ways. The 4 foot screening trees will not protect my neighbors view and we request, again, mature tree screens on all of the affected lots, including those conveniently left off of the maps for these entire proceedings.
- The Planning Board shall not issue a special permit for a wireless communication facility unless it finds that. . .it is designed to provide, in the most community compatible method practicable, service coverage to a significant gap in service. And that is clearly not the case with the application for a cell tower at Craig Rd.

In the event that the Planning Board will not allow me to make these points for the record at the June 8, 2010 meeting, please add this document to the permanent record for this cell tower application.

Sincerely,

Kathy & Jim Quinn
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